

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 11-66 (PAM/JJG)

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|-------------------------------|---|----------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| PLAINTIFF, |) | |
| |) | |
| V. |) | DEFAULT JUDGMENT AND |
| |) | FINAL ORDER OF |
| \$14,540.00 IN U.S. CURRENCY, |) | FORFEITURE |
| |) | |
| |) | |
| DEFENDANT. |) | |

Based on the motion of the United States for an order granting default judgment against Michael Schaumburg, Laydell Holman, and all unknown persons and entities having an interest in the defendant currency, and for a final order of forfeiture as to seven thousand five hundred forty dollars (\$7,540.00) of the defendant currency to the Plaintiff in accordance with the Stipulation of Settlement that has been entered into between the Plaintiff and Jonathan Wallace Bess; and based on all the files and records in this action, and on Court's finding as follows that:

1. A verified Complaint for Forfeiture *In Rem* with supporting affidavit was filed on January 10, 2011, alleging that the defendant is subject to forfeiture pursuant to 21 U.S.C. §881(a)(6);

2. A Warrant of Arrest and Notice *In Rem* was issued by the Clerk of Court on January 10, 2011, directing the United

States Marshal to arrest the defendant; to serve all known persons and entities having an interest in the defendant with a copy of the Summons, Complaint and Affidavit, and Warrant of Arrest; and to give due notice to them to serve on the United States Attorney and file with the Clerk of Court a verified statement of interest in or right against the defendant within 35 days from the date of service and an answer to the Complaint for Forfeiture within 20 days from the filing date of the verified statement;

3. The United States Marshal arrested the defendant currency, and a copy of the Summons, Complaint, Warrant of Arrest and Notice *In Rem* was served by certified copy on Jonathan Bess through his attorney Daniel Guerrero, Michael Schaumburg, and Laydell Holman;

4. The United States published the Notice of Civil Forfeiture on an official government internet site (www.forfeiture.gov) for at least 30 consecutive days, beginning on January 23, 2011, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. The Notice of Civil Forfeiture advised all unknown interested third parties of their right to petition the court within sixty (60) days of the first date of publication for a hearing to adjudicate the

validity of their alleged legal interest in the above-described property;

5. Jonathan Wallace Bess filed a Verified Claim and Answer contesting the forfeiture of the defendant currency;

6. No other verified statement of interest in or right against the defendant currency or answer to the Complaint for Forfeiture has been filed with the Clerk of Court or served on the United States Attorney, and the time for filing a verified statement and answer has provided by law has expired;

7. On or about October 28, 2011, a settlement was reached between the Plaintiff and Jonathan Wallace Bess, wherein it was agreed that seven thousand five hundred forty dollars (\$7,540.00) of the defendant currency will be forfeited to the Plaintiff, and that the remaining seven thousand (\$7,000.00) of the defendant currency will be returned to Jonathan Wallace Bess, through his attorney of record,

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. A default judgment is entered against Michael Schaumburg, Laydell Holman, and all unknown persons and entities having an interest in the defendant currency for failure to file a verified statement of interest in or right against the defendant currency and an answer to the Complaint

for Forfeiture *In Rem* as required by Title 18, United States Code, Section 983(a)(4)(A) and (B), and Rule G(5) of the Supplemental Rules For Admiralty Or Maritime Claims And Asset Forfeiture Actions;

2. All right, title and interest in \$7,540.00 of the defendant currency is forfeited to the United States of America pursuant to 21 U.S.C. § 881(a)(6) for disposition in accordance with law;

3. The United States Marshals Service shall return seven thousand dollars (\$7,000.00) of the defendant currency to Jonathan Wallace Bess, through his attorney of record, subject to the terms of the Stipulation Of Settlement.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: November 29, 2011

s/Paul A. Magnuson
Paul A. Magnuson, Judge
United States District Court